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Ruth Montalvo

Docket No: ANGIO P-26  
Customer No: 026418

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: Eamonn P. Hobbs, William M. Appling  
Angelo J. Tarricone, Theodore J. Beyer

Serial No: 09/989,261  
Filed: November 20, 2001

Examiner: Sirmons, Kevin C.  
Art Unit: 3763

For: Catheter Retention

Assistant Commissioner  
For Patents  
Washington, D. C. 20231

AMENDMENT & RESPONSE

SIR:

The following is submitted in response to the Examiner's Action of March 24, 2003.

Restriction Requirement.

Applicants elect the catheter assembly claims 1 through 29. Applicants retain their right to file a divisional case directed to the method claims 30 through 34 prior to the issuance of a patent on the apparatus claims.

### Species Elected For Prosecution.

Applicants elect the Species III shown in FIGs. 3 and 4 for initial prosecution. The claims readable on this elected specie are: Claims 1-8 and 10-29, all of the catheter claims except claim 9.

Claim 9 relates to the use of a suture as shown in FIGs. 7 and 8, rather than the wire.\

Applicants further point out that at least claims 1, 2 and 6 are generic to all of the species.

### Traverse.

Applicants respectfully traverse the Examiner's requirement for restriction between the catheter assembly claims and the method claims. The claims are patentably distinct. Each claim of a patent, including each dependent claim, constitutes a claim to a patentably distinct invention.

However, the inventive concept can be claimed in various ways resulting in claims having different scope. This scope distinction can include the distinction between apparatus claims and method claims.

More importantly, Applicants believe that it is sound policy to include closely related patentably distinct claims in the same patent in order to avoid undue expense to both patentee and to the public.

The notice function to the public is better served by having all such related, although patentably distinct, claims in a single document.

The patent system is better served by avoiding unnecessary proliferation of patent documents.

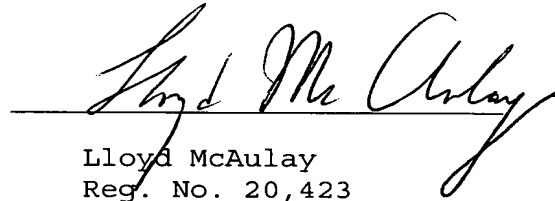
The Patent Office operating efficiency is better served by having a single examination of related claims.

The cost of prosecution and maintenance to the patentee is reduced.

Accordingly, Applicants request withdrawal of the restriction as well as further and favorable action on the elected claims.

The Assistant Commissioner For Patents is hereby authorized to charge any additional fees to Deposit Account No. 50-1529.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lloyd McAulay", is written over a horizontal line.

Dated: April 24, 2003

Lloyd McAulay  
Reg. No. 20,423  
Attorney For Applicants  
Reed Smith LLP  
599 Lexington Avenue  
New York, NY 10022-7650  
(212) 521-5461  
FAX No.: (212) 521-5450